

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**BRANDON MENG**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 2:24-cv-199-KS-MTP**

**WILLIAM CAREY UNIVERSITY,  
acting through its Division of the College of  
Osteopathic Medicine,  
ITALO R. SUBBARAO, D.O., and  
EDWARD FRIEDLANDER, M.D.**

**DEFENDANTS**

**DEFENDANTS DEAN SUBBARAO AND WILLIAM CAREY UNIVERSITY’S MOTION  
TO DISMISS FOR FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(B)(6)**

Defendants Italo R. Subbarao, D.O. and William Carey University (“WCU”) (collectively, “Defendants”) file this Motion to Dismiss and in support thereof show unto the Court the following:

1. Plaintiff Brandon Meng (“Plaintiff”) alleges several claims against Defendants that arise from discipline during his time as a student at WCU’s College of Osteopathic Medicine (“COM”). [Dkt. #1].

2. The Court must dismiss these claims under Fed. R. Civ. P. 12(b)(6) for failure to state a claim for the reasons contained in the memorandum brief contemporaneously herewith.

3. In addition to that memorandum brief, Defendants attach the following exhibit:

- Exhibit A: WCU COM Student Handbook

WHEREFORE, Defendants Italo R. Subbarao, D.O. and William Carey University request that the Court grant this Motion to Dismiss and dismiss these claims against them with prejudice.

This, the 12th day of March, 2025.

Respectfully submitted,

**ITALO R. SUBBARAO, D.O. and WILLIAM**

**CAREY UNIVERSITY, DEFENDANTS**

By: /s/ Charles E. Cowan  
CHARLES E. COWAN (MSB #104478)

**OF COUNSEL:**

Charles E. Cowan (MB #104478)  
Jennifer H. Scott (MB #101553)  
Jack F. Hall (MB #106482)  
WISE CARTER CHILD & CARAWAY, PA  
401 E. Capitol Street, Suite 600  
Post Office Box 651  
Jackson, Mississippi 39205  
Telephone: (601) 968-5514  
Facsimile: (601) 968-5519  
[cec@wisecarter.com](mailto:cec@wisecarter.com)  
[jhs@wisecarter.com](mailto:jhs@wisecarter.com)  
[jfh@wisecarter.com](mailto:jfh@wisecarter.com)

**CERTIFICATE OF SERVICE**

I, Charles E. Cowan, hereby certify that I have electronically filed the foregoing with the Clerk of Court using the ECF system, which automatically sent email notification to all counsel of record.

SO CERTIFIED: March 12, 2025

/s/ Charles E. Cowan  
CHARLES E. COWAN